

**SUPREME COURT MINUTES
THURSDAY, APRIL 26, 2012
SAN FRANCISCO, CALIFORNIA**

S090499**PEOPLE v. LIVINGSTON
(DAVID JAMES)**

Opinion filed: Judgment affirmed in full

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye C. J., Kennard, Baxter, Werdegarr, Corrigan, and Liu, JJ.

S097189**PEOPLE v. MYLES (JOHN)**

Opinion filed: Judgment affirmed in full

We order that the abstract of judgment be corrected to conform to the trial court's oral pronouncement that the Penal Code section 12022.5, subdivision (a), gun use enhancement relating to count 1 (murder of Harry "Ricky" Byrd) is 10 years, and the Penal Code section 12022.5, subdivision (a), gun use enhancement relating to count 3 (robbery of Krystal Anderson) is stayed. The judgment is affirmed as so corrected.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S173860

B202997 Second Appellate District, Div. 8

**DICON FIBEROPTICS, INC.
v. FRANCHISE TAX BOARD**

Opinion filed: Affirmed in part, reversed in part

We reverse the Court of Appeal's holding that a certification issued by a governmental agency for purposes of the hiring tax credit under Revenue and Taxation Code section 23622.7 constitutes "prima facie proof of a worker is a 'qualified employee,' " which shifts to the Franchise Tax board the "burden of demonstrating an employee is not a qualified worker for which no voucher should have issued." In all other respects, the Franchise Tax Board does not challenge the Court of Appeal's judgment, and it is affirmed.

Majority Opinion by Liu, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S095076**PEOPLE v. PENUNURI
(RICHARD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Sarah J. Farhat's representation that she anticipates filing the respondent's brief by November 12, 2012, counsel's request for an

extension of time in which to file that brief is granted to June 22, 2012. After that date, only three further extensions totaling about 140 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S120583**PEOPLE v. CAGE (MICKY RAY)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon counsel Susan K. Massey's representation that she anticipates filing the appellant's reply brief by June 11, 2012, counsel's request for an extension of time in which to file that brief is granted to June 11, 2012. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S123813**PEOPLE v. FLINNER (MICHAEL WILLIAM)**

Extension of time granted

Good cause appearing, and based upon counsel Patrick Morgan Ford's representation that he anticipates filing the appellant's opening brief by July 2012, counsel's request for an extension of time in which to file that brief is granted to June 29, 2012. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S127621**PEOPLE v. ERSKINE (SCOTT THOMAS)**

Extension of time granted

Good cause appearing, and based upon counsel Kimberly J. Grove's representation that she anticipates filing the appellant's opening brief by December 30, 2012, counsel's request for an extension of time in which to file that brief is granted to June 26, 2012. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S140894**PEOPLE v. MIRACLE
(JOSHUA MARTIN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 29, 2012.

S152269**PEOPLE v. LUTHER
(JOHNATHAN ROSS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 22, 2012.

S161781**PEOPLE v. THOMAS (JUSTIN
HEATH)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 22, 2012.

S192958**ELLIOTT (MARCHAND) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Richard B. Mazer's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by the end of November 2012, counsel's request for an extension of time in which to file that document is granted to June 25, 2012. After that date, only three further extensions totaling about 150 additional days are contemplated.

S197302**ARELLANO, JR., (DANIEL)
ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to May 29, 2012.

S200606 F058778/F059660 Fifth Appellate District**STARRH & STARRH
COTTON GROWERS v.
AERA ENERGY LLC**

Order filed

The order denying the petitions for review, filed on April 25, 2012, is hereby amended as to the

title to read: Court of Appeal, Fifth Appellate District - Nos. F058778/F059660.
Baxter, J., was recused and did not participate.

S201211**LEWIS (NATHANIEL) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S201754**McHUGH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KAREN BOEGLER McHUGH, State Bar Number 112297, as a member of the State Bar of California is accepted.

KAREN BOEGLER McHUGH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201757**NICHOLLS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LINDA NICHOLLS, State Bar Number 214137, as a member of the State Bar of California is accepted.

LINDA NICHOLLS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201758**OLSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KENT CHARLES OLSON, State Bar Number 121899, as a member of the State Bar of California is accepted.

KENT CHARLES OLSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201759**PIEPER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of J. GARDINER PIEPER, State Bar Number 159741, as a member of the State Bar of California is accepted.

J. GARDINER PIEPER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201760**SCHEIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of EVE BERNETTE SCHEIN, State Bar Number 159903, as a member of the State Bar of California is accepted.

EVE BERNETTE SCHEIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201762**SOSNKOWSKI ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ALEXANDRA ELIZABETH SOSNKOWSKI, State Bar Number 183451, as a member of the State Bar of California is accepted.

ALEXANDRA ELIZABETH SOSNKOWSKI must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201764**STEINBERGER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES MARK STEINBERGER, State Bar Number 118345, as a member of the State Bar of California is accepted.

JAMES MARK STEINBERGER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201765**STYLOS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MELYA STYLOS, State Bar Number 149001, as a member of the State Bar of California is accepted.

MELYA STYLOS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201766**VETTER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM VETTER, State Bar Number 54972, as a member of the State Bar of California is accepted.

WILLIAM VETTER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201767**WEINBERGER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SHEILA NAN WEINBERGER, State Bar Number 192909, as a member of the State Bar of California is accepted.

SHEILA NAN WEINBERGER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201771**LIM ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DIANA GRACE LIM, State Bar Number 122737, as a member of the State Bar of California is accepted.

DIANA GRACE LIM must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201773**AKULIAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of THEODORE LEO AKULIAN, State Bar Number 47315, as a member of the State Bar of California is accepted.

THEODORE LEO AKULIAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201774**BRACKEN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELAINE LINNELL SHEPPE BRACKEN, State Bar Number 153118, as a member of the State Bar of California is accepted.

ELAINE LINNELL SHEPPE BRACKEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201775**CHAFFIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of REBECCA SUSAN CHAFFIN, State Bar Number 144933, as a member of the State Bar of California is accepted.

REBECCA SUSAN CHAFFIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201776**DENNIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM LEON DENNIS, State Bar Number 50384, as a member of the State Bar of California is accepted.

WILLIAM LEON DENNIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201777**DOWIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOAN RICHARDSON DOWIS, State Bar Number 52334, as a member of the State Bar of California is accepted.

JOAN RICHARDSON DOWIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201778**EASTMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN HOWARD EASTMAN, State Bar Number 122247, as a member of the State Bar of California is accepted.

JOHN HOWARD EASTMAN must also comply with rule 9.20 of the California Rules of Court

and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201780**HANKS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JONATHAN BRYANT HANKS, State Bar Number 266451, as a member of the State Bar of California is accepted.

JONATHAN BRYANT HANKS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201781**JARVI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KENNETH TERHO JARVI, State Bar Number 119850, as a member of the State Bar of California is accepted.

KENNETH TERHO JARVI must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S201782**JONES ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN JONES, State Bar Number 231312, as a member of the State Bar of California is accepted.

SUSAN JONES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

